

the mysterious Project Phoenix

by ERWIN KNOLL

A DOCUMENT filed with the U.S. District Court in Baltimore in behalf of a young Army lieutenant seeking release from the service as a conscientious objector. . . .

An unusual press conference conducted by the commandant of the Army's intelligence school. . . .

A startling speech delivered by a self-styled "country lawyer" who visited Vietnam last summer. . . .

These are among the fragments that are suddenly drawing attention to Project Phoenix, a mysterious "advisory program" jointly operated by the U.S. Army and the Central Intelligence Agency to help the Saigon government attack the Vietcong "infrastructure" in South Vietnam.

Established in 1967, Project Phoenix has been officially described—on those rare occasions when it has been officially described at all—as a scientific, computerized, intelligence operation designed to identify, isolate, capture, or convert important Vietcong agents. In one of the few public accounts of Phoenix issued by the American mission in Saigon, it was claimed a year ago that 8,600 blacklisted suspects had been "captured, killed, or welcomed as defectors" in a nine-month period. More recently the Pentagon has claimed a total "bag" of 30,000 Vietcong suspects.

Among the strong supporters of Project Phoenix in the Nixon Administration is Henry A. Kissinger, the President's special assistant for national security affairs, who is known to believe the program can play a crucial role in destroying the Vietcong opposition during the period of American military withdrawals from South Viet-

nam. Emissaries from Kissinger's White House office have carried encouraging reports on Phoenix to Capitol Hill.

Despite the pervasiveness of the Phoenix operation—American "Phoenix advisers" are assigned to the forty-four provinces, most of the 242 districts, and all the major cities of South Vietnam—American news dispatches have made only scant mention of the program. Two articles in *The Wall Street Journal*—in September, 1968, and March, 1969—indicated that Phoenix teams occasionally step outside the bounds of due process and conventional warfare to achieve their results. Reporting from Saigon last summer on the "semipolice state" maintained by President Nguyen Van Thieu, Richard Dudman wrote in the *St. Louis Post-Dispatch*:

"Critics say the Phoenix system often is abused. Huong Ho, a member of the National Assembly from Kien Phong Province, says police often pick up someone on the street, order him to denounce a wealthy citizen as a Vietcong agent, arrest the rich man, and then release him on payment of 25,000 or 50,000 piastres in ransom.

"Ngo Cong Duc, a deputy from Vinh Binh Province in the Mekong Delta, says that malicious informants and sometimes actual Vietcong agents supply names to the Phoenix blacklist, getting around the Phoenix system of cross-checks by reporting a person through several different agencies.

"U.S. officials contend that necessary flexibility makes some abuses inevita-

ble. The mission's report says that a person arrested is taken before a military field court 'if the evidence and the testimony add up to a legal case.' But it notes that 'such legally admissible evidence may be impossible to obtain if most of the witnesses and the evidence are beyond the court's reach in enemy territory.'

"If the case against the suspect is nevertheless conclusive, he is detained," says the report. 'Under Vietnamese law, such a man may be detained without judicial charge up to two years, and that detention period may be extended if the detainee's freedom would constitute a threat to the security of the nation.'"

When Dudman filed his report last July, he wrote that the Phoenix blacklist of Vietcong suspects had been refined "to eliminate mere rank-and-file and leave only the Vietcong leaders—members of the newly elected village and hamlet 'liberation committees' and such officials as political, finance and security chiefs in the shadow government." The new, refined list totaled 70,000 names.

That American military advisers are lending their good offices to a system susceptible to such abuses as blackmail, false arrest, and detention without trial can hardly be expected to arouse massive indignation at this stage of the sordid Vietnam adventure. But the most recent allegations about Project Phoenix raise a much larger question—particularly in view of the disclosures about the massacre of Vietnamese civilians at Songmy. American officials, from President Nixon down, have described Songmy as a "deplorable but isolated incident." How isolated and to what extent deplored? Project Phoenix, it has been charged, is a concerted, deliberate program of torture and assassination.



Francis T. Reitemeyer, twenty-four years old, of Clark, New Jersey, had a degree in classical languages and philosophy from Seton Hall University and was studying for the priesthood at Immaculate Conception Seminary when he enlisted in the Army in 1967. He was commissioned a second lieu-

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tenant, and was assigned from October 18, 1968, to December 6, 1968, to the Army Intelligence School at Fort Holabird, Maryland, where he was trained to be a "Phoenix adviser." When he received orders for Vietnam, he applied for discharge as a conscientious objector and retained a Baltimore ACLU attorney, William H. Zinman, to carry his appeal through the courts. On February 14, 1969, Zinman filed in Reitemeyer's behalf a "proffer," or offer to prove certain facts in connection with the appeal. The proffer stated in part:

"Your petitioner was informed that he would be one of many Army officers assigned as an adviser whose function it was to supervise and to pay with funds from an undisclosed source eighteen mercenaries (probably Chinese, none of whom would be officers or enlisted men of the U.S. military) who would be explicitly directed by him and other advisers to find, capture, and/or kill as many Vietcong and Vietcong sympathizers within a given number of small villages as was possible under the circumstances.

"Vietcong sympathizers were meant to include any male or female civilians of any age in a position of authority or influence in the village who were politically loyal or simply in agreement with the Vietcong or their objectives. The petitioner was officially advised by the lecturing U.S. Army officers, who actually recounted from their own experiences in the field, that the petitioner as an American adviser might actually be required to maintain a 'kill quota' of fifty bodies a month.

"Your petitioner was further informed at this Intelligence School that he was authorized to adopt any technique or employ any means through his mercenaries, which was calculated to find and ferret out the Vietcong or the Vietcong sympathizers.

"Frequently, as related by the lecturing officers, resort to the most extreme forms of torture was necessary. On one occasion, a civilian suspected of being a sympathizer was killed by the paid mercenaries, and thereafter decapitated and dismembered, so that the eyes, head, ears, and other parts of the deceased's body could be and in fact were prominently displayed on his front lawn as a warning and an inducement

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to other Vietcong sympathizers, to disclose their identity and turn themselves in to the adviser and the mercenaries.

"Another field technique designed to glean information from a captured Vietcong soldier, who was wounded and bleeding, was to promise medical assistance only after the soldier disclosed the information sought by the interrogators. After the interrogation had terminated, and the mercenaries and advisers were satisfied that no further information could be obtained from the prisoner, he was left to die in the middle of the village, still bleeding and without any medical attention whatsoever. On the following morning, when his screams for medical attention reminded the interrogators of his presence, he was unsuccessfully poisoned and finally killed by decapitation with a rusty bayonet. The American advisers, who were having breakfast forty feet away, acquiesced in these actions, and the death of this soldier was officially reported 'shot while trying to escape.'

"Another field instructor suggested that the advisers would not always be engaged in such macabre ventures, and cited an incident on the 'lighter side.' The instructor recounted the occasion when a group of advisers together with South Vietnamese soldiers surrounded a small pool where a number of Vietcong soldiers were attempting to hide themselves by submerging under water, and breathing through reeds. The advisers joined the South Vietnamese soldiers in saturating this pond with hand grenades; at this juncture, the instructor remarked to his students, which included your petitioner, 'that, although this incident might appear somewhat gory, while you listen to it in this classroom, it was actually a lot of fun, to watch the bodies of the Cong soldiers fly into the air like fish,' as the hand grenades exploded in the pond. This instructor was subsequently described by another instruc-

tor as 'one who no longer cared whether we win or lose, as long as we have a war to fight.'

"The petitioner was officially instructed that the purpose of the 'Phoenix Program' to which he was assigned was not aimed primarily at the enemy's military forces, but was essentially designed to eliminate civilians, political enemies, and 'South Vietcong sympathizers.' Your petitioner was further informed that the program sought to accomplish, through capture, intimidation, elimination, and assassination, what the United States up to this time was unable to accomplish through the conventional use of military power....

"Your petitioner was warned that loss of the war and/or his personal capture by the enemy could subject him personally to trial and punishment as a war criminal under the precedents established by the Nuremberg Trials as well as other precedents such as the Geneva Convention.

"Your petitioner sincerely urges that this kind of activity was never envisioned by him, whether concretely or abstractly, as a function and purpose of the United States Army, before and even after he entered the service...."

Lieutenant Reitemeyer was never called to testify on the allegations in his proffer. His case—and a parallel appeal for conscientious objector status from another student at the Army Intelligence School, Lieutenant Michael J. Cohn—were heard by Federal Judge Frank A. Kaufman, who ruled on July 14 that the two men had demonstrated they were entitled to discharge as conscientious objectors. The Army filed notice of appeal, but withdrew it last October. The case is closed.

Lieutenant Reitemeyer's allegations received only brief and cursory notice in the media when his proffer was filed with the court a year ago. Press interest was revived after the Songmy

affair erupted into headlines. The first detailed account of the Reitemeyer case appeared on December 11 in an article in *The Village Voice* by Judith Coburn and Geoffrey Cowan, who also reported on a visit they had paid to Fort Howard, a rugged, isolated tract on the grounds of a Veterans Administration hospital near Baltimore. Fort Howard has a mock Vietnamese village that serves as a training adjunct to Fort Holabird's intelligence school.

"As we walked around the edge of the fence toward the concrete bunker we could hear the sound of voices," Miss Coburn and Cowan wrote. "There were brutal shouts a few dozen yards away: 'You get his arm, I'll get his leg. You get the other one.' Then there were anguished, indistinguishable shouts, then the sound of a woman's voice, and a child's. It wasn't a veterans' hospital, we decided, and quickly headed back down the road." The two reporters said they "got the runaround" when they attempted to ask questions at Fort Holabird about the Phoenix training program.

On December 12, however—the day after *The Village Voice* article appeared—Colonel Marshall Fallwell, the commandant of the intelligence school, opened the closely guarded gates of Fort Holabird to the press. His purpose, he said, was to deny Reitemeyer's "wild allegations" and "bring some reason" into the public discussion of Project Phoenix.

The intelligence school graduates 9,000 Army men a year, of whom only "a small percentage" are assigned to Project Phoenix, Colonel Fallwell said, although almost the entire class of forty-nine second lieutenants to which Reitemeyer and Cohn belonged was destined for the Phoenix program. The commandant said he had conducted an "informal review" of Reitemeyer's charges that terror tactics and assassination were taught at Fort Holabird. "It just isn't done," he said. "We know precisely what the individual instructor is supposed to get across and how he is supposed to get it across. He is supposed to follow that script."

Some instructors may stray from their carefully prepared material to tell "war stories" to their students, Colonel Fallwell acknowledged, but the kind of instruction described by Reite-

meyer would be "completely against the Geneva Convention, the Universal Code of Military Justice, and Department of the Army regulations."

As for the training exercises at Fort Howard, "almost every Army post has a Vietnam village," Fallwell said. Instructors at the intelligence school "draw up lists of individuals with known or suspected Vietcong sympathies in that village," he continued, and students "plan and mount an operation for seizure of that village" and interrogation of its occupants. Members of the school's staff play the role of villagers.

A Pentagon spokesman also offered some comments on December 12. Both Reitemeyer and Cohn, he told reporters, were dismissed from the intelligence school for academic failure. What's more, Reitemeyer had given the Army a sworn statement on December 6, 1968—three months before his proffer was filed in the Baltimore court—in which he had denied that he was receiving training in assassination techniques. The statement had been requested, according to the Pentagon spokesman, after reports were received that Reitemeyer had told a girlfriend he was being trained in murder.

"I am not being trained in any po-

litical assassination," said the statement attributed to Reitemeyer by the spokesman. "I never told [her] that I was being trained to be an assassin, nor that I was to be in charge of a group of assassins."

Students at the intelligence school are required to execute a pledge that they will not disclose details of their training. Reitemeyer is reported to be traveling in the West, and I could not reach him for comment.



George W. Gregory, who practices law in Cheraw, South Carolina, knows nothing about the intelligence school at Fort Holabird. He knows a little bit about Vietnam, which he visited last August as the attorney for Major Thomas E. Middleton Jr. of Jefferson, South Carolina, one of the eight Green Berets charged with the murder of a suspected South Vietnamese double-agent. The charges against all eight were abruptly dropped for the official reason that their trials would compromise American intelligence operations in Vietnam. While representing Major Middleton, Gregory learned a few things about Project Phoenix, and on December 19 he discussed some of his findings at a luncheon of the Atlanta Press Club.

Phoenix, Gregory told the Atlanta newsmen, is a program "where you infiltrate the Vietcong and exterminate" those in the "infrastructure." Quite often, Americans must do their own killing because the Vietnamese, he said, are "half-hearted" about the Phoenix work. When he was in Saigon, Gregory observed, "the smart money was going Uncle Ho so the Americans had to do their own dirty work."

When the Green Berets were charged with murder, Gregory recounted, Americans in the Phoenix program sought out military lawyers in Saigon "in droves" to inquire about their possible vulnerability to similar charges.

I called Gregory in Cheraw to confirm press reports of his Atlanta speech and ask for more details. He said he heard about the assassination phase of Project Phoenix both from "people who were in on the deal" and from Army lawyers whose advice had



Mauldin in Chicago Sun-Times

"There's a tough bunch. Under the VC they survived liberation, orientation, and taxation. From us they took defoliation, interrogation, and pacification."

been solicited. "I said to myself, 'My God, this is quite relevant to my situation,'" Gregory told me. "'How can they charge my people [the Green Berets] when they are ordering other people to do these things?'"

Gregory said he had questioned a CIA agent whose name he recalls as Chipman about the assassinations carried on under Project Phoenix, and the agent replied, "Certainly I know all about it." But on the stand, the agent added, "I would have to claim executive privilege."

Gregory professed to be surprised at press interest in his Atlanta speech. "I'm just a country lawyer," he told me, "but everybody knows about Phoenix in Saigon, and I just figured you all knew about it in Washington."

Well, we don't know, but there is a chance we may find out. In response to urgings from William Zinman, the ACLU lawyer in Baltimore, and queries from the press, several Senators have begun looking into Project Phoenix. The Senate Foreign Relations Committee, which is preparing for a new round of hearings on the Vietnam war, is known to be giving active consideration to the possibility of taking public testimony on Project Phoenix.

Meanwhile, those who still have faith can draw comfort from the assurances offered by Dennis J. Doolin, the Deputy Assistant Secretary of Defense for East Asian Affairs, who says Phoenix makes every effort "to capture and reorient former members of the VCI [Vietcong infrastructure] toward support of the government of Vietnam and to obtain information from them about the VCI." A counter-terror campaign, he adds, "obviously would subvert and be counterproductive to the basic purpose of pacification in reorienting the allegiance of all the South Vietnamese people toward support of the government of Vietnam."

How is this "basic purpose of pacification" served by the indiscriminate bombing of civilians, the burning of villages, and the forced relocation of their occupants? Doolin is right, of course, in suggesting that tactics of counter-terror would be "counterproductive." The dark allegations about Project Phoenix make no sense. Is there any aspect of the American effort in Vietnam that does?